

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: ORGANOGENESIS SECURITIES LITIGATION

C.A. No. 04-CV-10027 (JLT)

DEFENDANTS' MOTION FOR LEAVE TO FILE UNDER SEAL
AND TO FILE EXCESS PAGES

Defendants respectfully move this Court for leave to file Defendants' Sur-Reply in Opposition to Plaintiffs' Motion for Class Certification ("Sur-Reply") under seal, and to exceed the twenty-page limit set forth in Local Rule 7.1(b)(4) by no more than seven pages.

As grounds for this Motion, the Defendants state:

1. The Court granted leave to file the Sur-Reply on December 6, 2006.
2. On July 26, 2006, the Court entered a Joint Protective Order to govern the handling of confidential material filed in the above-captioned action. Dkt. No. 142. The above-referenced document contains excerpts from and references to deposition transcripts that are designated as Confidential Material under Paragraph 5 of the Joint Protective Order.
3. The excess pages sought by Defendants are warranted given that:
 - (a) Plaintiffs' 46-page Reply Memorandum of Law and Appendix in Support of Motion for Class Certification (Dkt. Nos. 177 and 178) included five new affidavits, including an expert affidavit and a "Second Revised" PSLRA certification for Lead Plaintiff Madigan; and
 - (b) The seven defendants, who are represented by three separate counsel, have agreed to jointly brief their Opposition to Class Certification. Thus, allowing Defendants to file a 27-page Sur-Reply will still result in less briefing on the

Motion for Class Certification than if each defendant had opted to file individual twenty-page memoranda in opposition, as is allowed by Local Rule 7.1(B)(4).

WHEREFORE, Defendants respectfully request that this Court grant them leave to file the Sur-Reply under seal and exceed the twenty-page limit set forth in Local Rule 7.1(b)(4).

Respectfully submitted,

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Dated: December 22, 2006

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LOCAL RULE 7.1(A)(2) CERTIFICATION

Pursuant to Local Rule 7.1(A)(2), I certify that I contacted Plaintiffs' counsel on December 21, 2006 concerning this motion and received no response.

Dated: December 22, 2006

/s/ Kimberly I. Friday
Kimberly I. Friday

CERTIFICATE OF SERVICE

I, Kimberly I. Friday, hereby certify that a true and correct copy of this document, filed through the ECF system, will be sent to the registered participants as identified on the Notice of Electronic Filing.

Dated: December 22, 2006

/s/ Kimberly I. Friday
Kimberly I. Friday